

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KADEEM EDWARDS,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION,

Defendant.

1:23-cv-01180-NODJ-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
CERTAIN CLAIMS AND DEFENDANTS

(ECF No. 13)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 4, 2023, the assigned Magistrate Judge issued findings and recommendations, recommending that this action proceed only on Plaintiff's Eighth Amendment deliberate indifference to serious medical needs claim against Defendant Jane Doe L.V.N., the remaining claims to be dismissed, and that Defendants California Department of Corrections and Rehabilitation and John Does 1 through 10 be dismissed from the action. (ECF No. 13.) The findings and recommendations were served on Plaintiff and provided Plaintiff 14 days to file objections thereto. (*Id.* at 2.) More than 14 days have elapsed, and no objections have been filed.

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1 The court presumes that any findings of fact are correct. *See Orand v. United States*,
2 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed
3 de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law
4 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court
5 . . .”). Having reviewed the file, the court finds the findings and recommendations to be
6 supported by the record and by the proper analysis.

7 Accordingly, it is HEREBY ORDERED that:

- 8 1. The findings and recommendations issued on December 4, 2023 (ECF No. 13) are
9 adopted in full;
- 10 2. This action proceeds only on Plaintiff's Eighth Amendment deliberate indifference
11 to serious medical needs claim against Defendant Jane Doe L.V.N.;
- 12 3. Defendants California Department of Corrections and Rehabilitation and John Does
13 1 through 10 are dismissed from this action;
- 14 4. The remaining claims in the complaint are dismissed; and
- 15 5. This action is referred back to the assigned Magistrate Judge for further proceedings.

16 DATED: January 18, 2024.

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19 CHIEF UNITED STATES DISTRICT JUDGE
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